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January 16, 1996

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: PR Docket 92-235

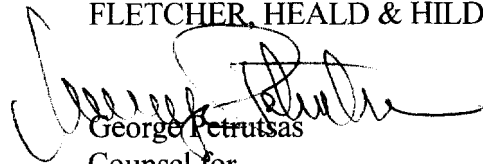
Dear Mr. Caton:

On behalf of the Forest Industries Telecommunications, we are filing an original and nine (9) copies of its Reply Comments in the above-referenced rule making proceeding.

Please communicate with us if additional information is desired.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.


George Petrusas
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Enclosures

cc: Mr. Ralph Haller (w/enc.)(VIA HAND DELIVERY)
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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of)
)
Replacement of Part 90 by Part 88 to)
Revise the Private Land Mobile Radio)
Services and Modify the Policies)
Governing Them)
)
and)
)
Examination of Exclusivity and)
Frequency Assignment Policies of)
the Private Land Mobile Radio Services)

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PR Docket No. 92-235

**REPLY COMMENTS OF
FOREST INDUSTRIES TELECOMMUNICATIONS**

Forest Industries Telecommunications ("FIT") submits its Reply Comments in the above-caption proceeding.

I. Introduction

Along with the vast majority of those who filed comments in response to the Further Notice of Proposed Rule Making ("Further Notice") in this proceeding, FIT in its Comments expressed its continuing support of the Commission's primary goal to increase the communications capacity of the land mobile bands through the implementation of advanced technologies. However, again along with the vast majority of those who filed comments, FIT expressed grave concerns about the Commission's proposals in the Further Notice (i.e., auctions, exclusive use overlays, selling land mobile service, and user fees, among others), as "incentives" for migration to the more efficient technologies. FIT reaffirms its strong opposition to those proposals and urges

the Commission to re-focus its attention to the alternative approaches that have been suggested for accomplishing the transition to the more efficient technologies.

II. Transition to New Technologies

In its Comments, FIT voiced its support to the migration path to new technologies laid out in the Second Report and Order and its belief that, as technology advances and manufacturers provide reasonably priced equipment, system changeovers to new technologies will come about sooner than even the Commission's schedule contemplates without the "incentives" proposed in the Further Notice. FIT continues to hold that view. However, other representatives of land mobile users have taken the position that, instead of the incentives proposed in the Further Notice, the Commission should establish dates certain by which licensees must convert existing wideband systems to the new technologies and by which new applicants must begin to operate systems reflecting the new technologies. See, Comments of Motorola Inc., pp. 2, 3-4, 6-7, 7-11; Land Mobile Communications Council ("LMCC"), pp. 13-14; UTC, The Telecommunications Association ("UTC"), pp. 27-28. While, as stated, FIT continues to believe that the transition path adopted in the Second Report and Order is sound, FIT would not object to a mandatory timetable. LMCC has proposed such mandatory transition plan. FIT supports the transition plan proposed by LMCC but with the changes discussed below:¹

¹FIT is not a member of LMCC and did not participate in the formulation of LMCC's proposals.

1. Existing wideband systems should be converted to 6.25 KHz and 7.5 KHz channelization by 2005, not to 12.5 KHz.

LMCC proposes, among other things, that all existing wideband systems be converted to achieve 12.5 KHz channelization, or equivalent efficiency, by September 1, 2005, if located in areas designated as "congested" by frequency coordinators, or become "secondary." FIT would not object to the proposal if the mandatory conversion is to be limited to systems in "congested" areas and if affected licensees are to be given an adequate opportunity, after their area is declared to be congested, to make the required changes. However, FIT believes that the conversion should not be to 12.5 KHz channelization, or to equivalent efficient technology, as proposed by LMCC, but to 7.5 KHz, for systems in the 150-170 MHz band, and to 6.25 KHz, for systems in the 421-512 MHz bands. Moreover, new systems authorized after September 1, 2005, should be assigned 7.5 or 6.25 KHz channels or be required to achieve equivalent efficiencies.

The foregoing approach was presented to the Commission by LMCC as one of two options in response to the initial Notice of Proposed Rulemaking in this proceeding and was supported by the Coalition of Industrial and Land Transportation Land Mobile Radio Users. See, Coalition Comments, pp. 6-8. As discussed in those Comments, reducing the channel width from 15.0 KHz to 12.5 KHz in the 150-170 MHz bands would yield only approximately 15% more assignable frequencies, or approximately 95 new assignable frequencies in the entire 150-170 MHz band. Also those licensees, apparently, would have to look forward to replacing their equipment again several years further down the road. Conversion to truly narrowband channels (6.25 and 7.5 KHz) after September 1, 2005, would yield many more new assignable frequencies for

roughly the same conversion costs and licensees would not have to replace equipment again in the foreseeable future.

2. New licensees should be required to employ 12.5 Khz equipment, but only on the new frequencies.

LMCC also proposes that all applicants for new systems who file applications on or after September 1, 1996, should be required to operate on 12.5 Khz channels or with equivalent efficiency. FIT agrees, but recommends that the requirement should be limited to applicants for the "new" frequencies, that is, those frequencies added to the frequency tables by the Second Report and Order, and then if, as Motorola stated in its Comments, more than one 12.5 Khz equipment models have been type-accepted and are readily available in the market. It would make very little sense to preclude the use of the existing frequencies with additional wideband equipment by those licensees who chose to do so, particularly, since all wideband systems will have to convert to narrowband by September 1, 2005. Therefore, FIT recommends that "existing" frequencies should continue to be available for wideband operations.

3. Existing licensees in the 421-512 MHz bands should not be required to change equipment in order to retain their 25 Khz channels.

FIT disagrees strongly with LMCC's proposal that incumbent licensees in the 421-512 MHz should be required to change equipment if they wish to retain their authorization to continue to operate on their 25 Khz channels. Such a requirement would be highly unreasonable, inconsistent with the basic transition plan LMCC itself advocates, and could raise serious legal issues. FIT recommends that existing 25 Khz licensees in the 421-512 MHz bands should be permitted to continue operation

undisturbed until 2005.

4. Existing licensees should not be required to change equipment in order to receive reasonably interference-free assignments.

Finally, FIT strongly also disagrees with LMCC's further proposal that would require existing licensees to convert their operation to narrowband, during a relative short period of time, if they wish to retain or obtain an "exclusive" frequency assignment. FIT believes that conversion to narrowband should not be a requirement for the assignment of reasonably interference-free frequencies and recommends that this proposal be rejected.

III. Low Power Channels

As noted by Weyerhaeuser Company in its Comments, pp. 6-7, the forest products industry employs low power systems for a variety of safety related functions and that the needs for such systems will be increasing in the future. Therefore, FIT supports the recommendations voiced in many of the Comments, including those of Weyerhaeuser, that adequate provisions should be made in the Commission's Rules to accommodate current and future requirements for low power communications.

IV. Auctions v. User Fees

The Comments almost unanimously expressed the view that auctioning the land mobile frequencies in the bands below 800 MHz is simply not feasible. The Comments also noted that neither existing nor pending legislation gives the Commission authority to impose user fees on private land mobile licensees. Nevertheless, if it is determined that land mobile licenses should be a source for government revenue, FIT would not

oppose a legislative effort to fashion a reasonable fee structure aimed at recovering the cost of administering the private land mobile radio services and to account somehow for the value of the spectrum being assigned. However, as FIT pointed out in its Comments, user fees must not be so high as to discourage the use of radio for safety and for operational efficiencies, both of which are highly desirable public interest objectives.

Respectfully submitted,

FOREST INDUSTRIES
TELECOMMUNICATIONS

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Dated: January 16, 1996
cej/gp/gp#4/fit2.plead